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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/712,974   | 11/13/2003  | Bernhard Jakob       | 5329-031963         | 7350             |
| 28289 7590 05/16/2008<br>THE WEBB LAW FIRM, P.C.<br>700 KOPPERS BUILDING<br>436 SEVENTH AVENUE<br>PITTSBURGH, PA 15219 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| CIRIC, LJILJANA V  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3744   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 05/16/2008   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/712,974

**Applicant(s)**

JAKOB, BERNHARD

**Examiner**

Ljiljana (Lil) V. Ciric

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 25, 2008 has been entered.

2. Claims 1, 4, 5, and 18 remain in the application, all as amended, either directly or indirectly.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3 through 5, 7 through 11, and 16 through 20 have been considered but are moot in view of the new grounds of rejection necessitated by amendment and presented herein below.

### ***Drawings***

4. The replacement drawings were received on February 25, 2008. These drawings are hereby approved.

### ***Claim Objections***

5. Claim 4 is objected to because of the following informalities: "is realized in the form of a brush" [claim 4, line 2] should be replaced with "is a brush" or "is in the form of a brush" for improved conciseness, idiomatic correctness, and clarity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 5, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easter in view of Frerich. (both previously of record).

Easter discloses an industrial truck or combine or tractor including, for example: radiator 11, a cooling air line or duct/frame 22; a stationary filter or wire screen 21 located in the path of the cooling air line or duct/frame 22 from which debris is removed via a cleaning device, the cleaning device including a single wiper or brush 31 movable up and down (as well as side to side as part of the overall rotational movement thereof) along an outside surface of the screen or filter 21 (and another single wiper or brush 32 movable up and down along the other or inside surface of the screen or filter 21); and, a hand lever 51 or 48 located outside of the cooling air line or duct/frame 22.

While Easter does not disclose a tube connected to a suction device and having a plurality of openings wherein the tube is located underneath the screen or filter 21, it is known in the art and taught by Frerich to additionally provide a vacuum connecting or suction device 54 including a material removal tube for removing material off a filter or screen or sieve 36 in an industrial or farm vehicle by filter-cleaning brushes and which is located/extends at least in part below a screen or sieve 36. Furthermore, the tube connected to the suction device 54 includes at least an inlet and an outlet opening, which constitutes a plurality of openings (i.e., more than one opening).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the industrial truck of Easter by adding a vacuum connecting device and a material removal tube as taught by Frerich in order to more effectively and permanently remove the material brushed off the filter screen and thus facilitate unimpeded air flow through the radiator of the industrial truck.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a

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flexible work schedule but can normally be reached on most days during the work week between the hours of 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ljiljana (Lil) V. Ciric/

Primary Examiner, Art Unit 3744